

REMARKS

In response to the non-final Office Action mailed May 21, 2004 (Paper No. 9), the Assignee submits the appended amendments and remarks. The Office Action rejected claims 39-62 as failing to comply with the written description requirement and for indefiniteness, and further rejected the claims 39-69 under the judicially created doctrine of double patenting over claims 1-54 of U.S. Patent No. 6,321,339. Claims 39, 40, 47, 48, 53, 57, and 63 have been amended in the present response. A terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is concurrently filed with this response. The present response traverses the Office Action rejections, and allowance of the pending claims is kindly requested.

I. REJECTION OF CLAIMS 39-62 UNDER 35 U.S.C. § 112, 1ST PARAGRAPH (OFFICE ACTION, ¶ 2(a)-(c))

The Office Action rejected claims 39-62 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Office Action, p. 2, ¶ 2(a) - 2(c). For claim 39 (and its dependent claims 40-62), the Office Action states that, “[I]n Claim 39 ..., there is a step of (e) allowing the user to access a predetermined functionality, in real time, only if the user’s identity is authenticated. However, the specification does not describe any such ‘predetermined functionality’ term.” Office Action, p. 2, ¶ 2(a). Similarly for claims 47, 48, and 53, the Office Action states that, “Each of the claims 47, 48, 53, refers to the method of claim 39, and calls for the predetermined functionality recited in claim 39, but such predetermined functionality has not been described in the specification.” Office Action, p. 2, ¶ 2(b). Moreover, for claims

40-45, 49-52, and 54-62, the Office Action states that, "These claims depend on claim 39, and thus inherit the above problem from claim 39." Office Action, p. 2, ¶ 2(c).

All of the above Office Action arguments are traversed by the present amendment of element (e) of independent claim 39 as follows, "(e) allowing the user to access a predetermined ~~functionality~~ transaction, in real time, only if the user's identity is authenticated." Furthermore, dependent claims 47, 48, 53 have been amended similarly to claim 39 above. The amended element "transaction" has support, and examples of various transactions are provided, in the Applicants' specification on at least p. 4, line 8 – p. 5, line 4; p. 29, line 10 – p. 30, line 23; and p. 35, lines 6 – 19. Therefore, one skilled in the art would recognize from the Applicants' specification that when a user's identity is authenticated in an authentication process, various transactions can be made accessible to the user. The above Office Action rejections are now believed to be traversed.

Dependent claims 40-45, 49-52, and 54-62 are each dependent from respective claims for which arguments of patentability have been advanced above. Therefore, the above Office Action rejection with respect to these claims is now believed to be traversed.

II. REJECTION OF CLAIMS 39-62 UNDER 35 U.S.C. § 112, 2ND PARAGRAPH
(OFFICE ACTION, ¶ 2(d)-(l))

The Office Action rejected claims 39-69 under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Office Action, p. 2, ¶ 2(d) - 2(l).

Claims 39, 40-62

For claim 39, the Office Action states that, "[t]he formulating and presenting step is said to be based on the first type of information received and on credit related information but it is not clear how the first type of information is based in order to

formulate the query.” Office Action, p. 2, ¶ 2(d). Similarly, for claims 40-62, the Office Action states that, “These claims depend on claim 39, and thus inherit the problem of indefiniteness” Office Action, p. 2, ¶ 2(e).

However, the Applicants’ specification discloses a preprocessing step 26 and a credit card verification process as various examples of claimed element (b), “formulating and presenting to the user, in real time, a query based on the first type of information received” In the example for a preprocessing step, the specification states that, “Authentication process 10 invokes the preprocessing step 26, in which the user is prompted to supply a first type of user identification information preferably comprises wallet-type information [T]he user inputs the first type of information requested into client 110. Data may be queried from the user through textual questions, graphical user interfaces (GUIs), hyper text markup (HTML) forms or any other suitable mechanism, either in real-time interactive environment or through a batch submission. Selection of the input mode may depend upon various factors such as resource loading and availability, business model, user and system traffic, and transaction criticality.” p. 11, lines 5-22. In the example for the credit card verification process, the Applicants’ specification states that, “In the event the user will be paying for a product or service with a credit card, authentication process 10 may invoke credit card verification at this point Preprocessing step 26 thus may include internal corrections as well as comparisons of user-supplied data to known data which may be obtained from separate sources. Those sources may be third party databases such as commercial or government databases, or internal databases In conjunction with the checks carried out by the preprocessing step 26, credit database 160 may be any suitable consumer credit history database available from various sources including credit reporting companies such as Equifax™ Any

commercially available or internal database or others may be employed in processing the verification substeps of the preprocessing step 26.” Page 20, line 7 – page 21, line 6. By way of further example, Figures 34-37 illustrate sample queries associated with credit-related information from a credit file. One skilled in the art would recognize from the Applicants’ specification that credit-related information from at least a credit database such as 160 can be utilized to formulate and present a query to a user in a preprocessing step and/or credit card verification process. Therefore, one skilled in the art would also recognize that, as claimed, a method for checking a user’s identity can include element (e), “formulating and presenting to the user, in real time, a query based on the first type of information received and upon information located in a credit file, the credit file containing credit-related information from a plurality of the user’s creditors.” The above Office Action rejections of claims 39-62 are believed to be traversed.

Claim 40

For claim 40, the Office Action states that, “The clause ‘step (e) is the only indication ...’ is not idiomatic. Notice that it is not clear how a step can be an indication.” Office Action, p. 2, ¶ 2(f). Claim 40 has been amended as follows, “wherein step (e) ~~is the only indication received by~~ comprises indicating to the user ~~regarding correctness acceptance~~ of the first type of information and the response provided by the user.” The above Office Action rejection of claim 40 is now believed to be traversed.

Claim 57

For claim 57, the Office Action states that, “(i) The phrase ‘the level of correspondence determined in step (f)(iii) lacks antecedent basis,” and “(ii) The phrase ‘the evaluation made in step (d)(ii) also lacks antecedent basis.” Office Action, p. 2, ¶ 2(g). The antecedent bases for elements of claim 57 have been added as follows, “wherein the

identity of the user is authenticated based on ~~the~~ a level of correspondence determined ~~in~~ step (f)(iii) between the first type of information received and user identification information retrieved from a data source, and the an evaluation made in step (d)(ii).” The above Office Action rejection of claim 57 is believed to be traversed.

Claim 58

For claim 58, the Office Action states that, “This claim recite a step of obtaining a first results from step (f)(iii) but such step (f)(iii) have not been performed, and thus the result cannot be obtained and the step cannot be carried out. The claim thus cannot be understood.” Office Action, p. 2, ¶ 2(h). Element (f)(iii) has been clarified in the underlying dependent claim 57 as follows, “a level of correspondence determined in step (f)(iii) between the first type of information received and user identification information retrieved from a data source, and the an evaluation made in step (d)(ii).” The above Office Action rejection of claim 58 is believed to be traversed.

Claim 63

For claim 63, the Office Action states that, “(i) The term ‘third party’ has been used without a usage of phrases such as ‘first party’ or ‘second party,’ making it not clear as to who is the third party relative to a first party or second party,” and “(ii) That which is about the user’s identity that is being indicated by the indication provided to the third party is not clear.” Office Action, p. 2, ¶ 2(i). Claim 63 has been amended as follows, “A method for interactively authenticating in real time an end user’s identity ~~for a third party~~ after the ~~third party has verified the~~ end user’s identity has been verified through use of a first type of information” to omit the element “third party.” Furthermore, in accordance with the above amendment, element (e) has also been amended as follows, “(e) providing an indication about the end user’s identity, in real time, ~~to the third party.~~” For

the amended element (e), Applicants' specification discloses several examples, such as "If the information matches, authentication process 10 either provides a higher degree of authentication in step 316 or issues another degree of authentication in step 318. If the information does not match, authentication process 10 may issue a lower degree authentication, return to step 312 or end at step 324." Page 27, lines 20-23. Therefore, one skilled in the art would recognize from the Applicants' specification that depending on the comparison of the user's response with credit information in a credit file, an authentication method can provide higher and/or lower degrees of authentication of a user's identity. As further disclosed in the Applicants' specification, one example of a mechanism that can provide varying degrees of authentication of a user's identity is a digital certificate. Page 29, line 8 – page 30, line 11. The above Office Action rejection of claim 63 is believed to be traversed.

Claims 64 and 65

With respect to claims 64 and 65, the Office Action states that, "These claims depend on claim 63 and thus inherit the problem of indefiniteness therefrom." Office Action, p. 2, ¶ 2(j). As presented in the argument above, the rejection of claim 63 is believed to be traversed, and the rejection of claims 64 and 65 is also believed to be traversed.

Claim 66

For claim 66, the Office Action states, "That which is about the user's identity that is being indicated by the indication provided by the processor is not clear." Office Action, p. 2, ¶ 2(k). The arguments to traverse this rejection are the same as presented above for claim 63, therefore the rejection of claim 66 is believed to be traversed.

Claims 67 and 69

With respect to claims 67 and 69, the Office Action states that, "These claims depend on claim 66 and thus inherit the problem of indefiniteness therefrom." Office Action, p. 2, ¶ 2(l). As presented above, the rejection of claim 66 is believed to be traversed, therefore the rejection of claims 67 and 69 is also believed to be traversed.

III. THE REJECTION OF CLAIMS 39-69 (OFFICE ACTION, ¶ 4)

The Office Action rejected Claims 39-69 under the judicially created doctrine of double patenting over claims 1-54 of U.S. Patent No. 6,321,339. Office Action, pp. 3-15, ¶¶ 4-5. The undersigned attorney for the Assignee submits the enclosed terminal disclaimer to overcome the double patenting rejection. Claims 39-69 are now believed to be in condition for allowance.

CONCLUSION

Claims 39-69 are pending in the application. Claims 39, 40, 47, 48, 53, 57, and 63 have been amended in the present response. The written description and indefiniteness rejections are believed to be traversed, and a terminal disclaimer under 37 C.F.R. 1.321(c) is herewith submitted. Claims 39-69 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance for Claims 39-69. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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